

REMARKS

This responds to the Office Action mailed on April 4, 2007. Claims 1, 5, 9, 13, and 17 are amended, no claims are canceled, and no claims are added; as a result, claims 1-18 remain pending in this application.

§112 Rejection of the Claims

Claims 1-8 and 13-16 were rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The rejection states that “the claimed subject matter of “non-curable viscous matrix” and “a distribution of carbon fibers within the viscous matrix wherein orientation and location of carbon fibers relative to each other are movable upon flow of the matrix material” are not supported by the original disclosure. Applicant respectfully disagrees, and reserves the right to further traverse the 35 USC § 112, first paragraph rejection in a continuation application. However, in the interest of moving the present application forward towards allowance, Applicant has removed the disputed language from the claims. Applicant respectfully submits that the 35 USC § 112, first paragraph rejection is therefore moot, and withdrawal of the rejection is respectfully requested.

§102 Rejection of the Claims

Claims 1-18 were rejected under 35 USC § 102(e) as being anticipated by Webb (U.S. 6,542,371). Applicant respectfully submits that the present claims are distinguishable over Webb for at least the following reasons.

Applicant is unable to find in Webb any teaching of a distribution of carbon fibers suspended within the matrix material, wherein the carbon fibers are approximately 10µm in diameter and approximately 100 µm in length.

In contrast, independent claims 1, 5, 9, 13, and 17 have been amended to include a distribution of carbon fibers suspended within the matrix material, wherein the carbon fibers are approximately 10 μ m in diameter and approximately 100 μ m in length.

Because Webb does not show every element of Applicant's independent claims, a 35 USC §102(e) rejection is not supported. Reconsideration and withdrawal of the rejection are respectfully requested with respect to Applicant's independent claims 1, 5, 9, 13, and 17. Additionally, reconsideration and withdrawal of the rejection are respectfully requested with respect to the remaining claims that depend therefrom at least as depending on allowable base claims.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6944 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

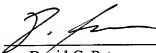
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6-4-07

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4th day of June 2007.

Name

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Signature

